

Message Text

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C O N F I D E N T I A L SOFIA 0442

LIMDIS

E.O. 11652: GDS

TAGS: PINT, CGEN, BU, IT (CHAMURLISKY, NIKOLA)

SUBJECT: CHAMURLISKY CASE

REF: A) STATE 039655; B) STATE 265225; C) ROME 0817

1. UPON RECEIPT REF A, WE CONTACTED ITALIAN EMBASSY TO MAKE SURE US DEMARCHE WOULD NOT CUT ACROSS THEIR LINES; LAST SATURDAY FEB 28 WE WERE TOLD IT WOULD NOT. WE HAVE NOT BEEN ABLE TO OBTAIN FURTHER INFORMATION FROM CHAMURLISKY'S LAWYER.

2. ALTHOUGH MINDFUL OF THE IMPORTANCE OF SENATOR JAVITS' INTEREST IN THIS CASE, I WOULD LIKE TO REVIEW THE SITUATION AS I SEE IT BECAUSE IT SEEMS TO ME THAT WHAT IS PROPOSED IS MORE RISKY TO THE US AND MORE RISKY ALSO TO CHAMURLISKY THAN MAY BE REALIZED.

3. REF B EXPRESSED THE BELIEF THAT CHAMURLISKY MAY HAVE BEEN CONVICTED OF "ECONOMIC ESPIONAGE", BUT REF C MADE IT CLEAR THAT THE CHARGE WAS SOMETHING FAR MORE SERIOUS, "ESPIONAGE (NO QUALIFICATION) IN BEHALF OF A FOREIGN POWER". THE ITALIANS HAVE TOLD US THAT "A SUBSTANTIAL AMOUNT OF INCRIMINATING MATERIAL" WAS FOUND BY THE BULGARIAN POLICE AT THE HOME OF ONE OF THE THREE ACCUSED, AND "SIMILAR MATERIAL (INCLUDING SOME SKETCHES)" AT THE HOMES OF THE OTHER TWO, ONE OF WHOM WAS
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CHAMURLISKY.

4. OF THE THREE ACCUSED, ONE (CLEVA) HAS BEEN EXPELLED. ANOTHER (HER BROTHER) IS TO BE EXPELLED "AS SOON AS THE JUDICIAL APPEALS PROCESS IS COMPLETED" (PARA 5, REF C). IT IS POSSIBLE THAT ONE OF THE ACCUSED WILL BE EXECUTED WHILE THE OTHER TWO ARE ALLOWED TO GO SCOTT FREE DUE TO A DEAL WITH THE ITALIAN GOVERNMENT. IT IS ALSO POSSIBLE, AND ALSO SOMEWHAT LESS INCONGRUOUS, THAT THE SENTENCE OF THE REMAINING ACCUSED, CHAMURLISKY, MIGHT BE COMMUTED TO IMPRISONMENT. SO FAR THE WHOLE MATTER HAS INVOLVED ONLY ITALY AND BULGARIA.

5. IN THIS SITUATION THERE IS A SERIOUS QUESTION WHETHER UNITED STATES INTERVENTION WOULD BE HELPFUL TO CHAMURLISKY, OR WHETHER IT MIGHT TIP THE SCALES AGAINST COMMUTATION OF HIS SENTENCE. GIVEN THE ATMOSPHERE OF SUSPICION PREVAILING HERE, OUR APPEAL TO HUMANITARIAN CONSIDERATIONS AND OUR SUGGESTION THAT HIS SENTENCE BE REDUCED WOULD ALMOST SURELY BE INTERPRETED AS AN INTEREST OF AMERICAN INTELLIGENCE SERVICES IN HIS CASE. AT THE VERY LEAST, IT WOULD RESULT IN ANOTHER ROUND OF INTERROGATION FOR CHAMURLISKY ABOUT AN "AMERICAN CONNECTION".

6. IF THE DEPARTMENT WISHES US TO PROCEED, WE WILL OF COURSE MAKE THE REPRESENTATION OR "APPROACH" AS IT IS TERMED IN REF A. WE WOULD SEE THE AMERICAN DESK OFFICER AND BRING TO HIS ATTENTION SENATOR JAVITS' INTEREST, AS WELL AS THAT OF "A NUMBER OF (UNSPECIFIED) CONGRESSMEN AND SENATORS", PER PARA 1 REF A. WE WOULD MAKE THE OTHER POINTS IN REF A, WITH EMPHASIS ON THE ANGUISH OF CHAMURLISKY'S BROTHER, THE "GENERAL STRIVING FOR A PROGRESSIVE REDUCTION OF TENSIONS," AND THE IMPORTANCE OF CONGRESSIONAL OPINION.

7. MY BEST JUDGMENT IS THAT HIGH LEVELS OF THE BULGARIAN GOVERNMENT, WHICH NATURALLY WOULD HAVE TO MAKE THE NECESSARY DECISION, ARE VERY LIKELY TO MISINTERPRET OUR APPEAL NO MATTER HOW SOFTLY WE PUT THE CASE IN TERMS OF CONVEYING A "VERY FAVORABLE IMPRESSION OF BULGARIAN MODERATION."

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TION AND COMPASSION." WHERE ESPIONAGE IS INVOLVED -- AND ALL SIGNS POINT TO IT -- THE BULGARIANS HAVE ABSOLUTELY NO INTEREST IN CONVEYING AN IMPRESSION OF MODERATION AND COMPASSION, QUITE THE CONTRARY. IN SHORT, I FEAR OUR APPROACH IS MORE LIKELY TO HARM THAN HELP THE CHANCES OF COMMUTATION OF CHAMURLISKY'S SENTENCE, AND THAT WE TOO WILL BE DAMAGED IN THE PROCESS.

8. I AM AWARE THERE IS THE COUNTER-ARGUMENT THAT THE ITALIANS, AFTER ALL, MADE A FUSS AND GOT ONE OF THE ACCUSED OUT AND THE PROMISE OF GETTING ANOTHER; SO THIS PROVES THAT IF A FOREIGN COUNTRY MAKES A FUSS, THERE ARE RESULTS. BUT THIS OVERLOOKS THAT THE ITALIANS HAD A STATE VISIT BY PRESIDENT ZHIVKOV COMING UP, WHICH GAVE THEM LEVERAGE THAT WE DO NOT POSSESS. ALSO, ITALY'S RELATIONS WITH BULGARIA ARE A LOT MORE CORDIAL, AND ALSO BENEFICIAL TO BULGARIA, THAN RELATIONS WITH THE US.

9. I AM A CONSTITUENT OF SENATOR JAVITS WHOM I HOLD IN HIGH ESTEEM AND WHOM I VISITED WHEN ON CONSULTATION LAST MAY. I AM PREPARED TO EXPLAIN MY VIEWS ON THIS CASE TO HIM IN DETAIL WHEN IN WASHINGTON IN APRIL; AND WOULD OF COURSE HAVE NO OBJECTION AT ALL IF THIS TELEGRAM WERE SHOWN TO HIM.
HERZ

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